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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,485	09/20/2000	Koji Tezuka	FUSA 17.777	7153

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EXAMINER

DUONG, OANH L


ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 06/16/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/666,485	Applicant(s) TEZUKA ET AL. 	
	Examiner Oanh L. Duong	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7 and 8 is/are rejected.
- 7) ☒ Claim(s) 2 and 4-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed 03/29/2004 have been fully considered but they are not persuasive.

In the remarks, applicants argued in substance that:

(A) Prior art does not teach means for converting the action parameters to the network technology dependent parameters.

As to point (A), Mahon does teach means for converting the action parameters to the network technology dependent parameters (i.e., converts policy information to configuration information that the managed entity can recognize and conform to, page 2 paragraphs 27-29).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the action parameters are **parameters such as a requested bandwidth, a monitor request, a duplex switching request**", and "the network technology dependent parameters are **parameters dependent upon the network such as ATM, SDH, FR, IP**") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(B) Prior does not teach selecting a conversion rule.

As to point (B), Taguchi does teach means for selecting a conversion rule conforming to the type of network element (i.e., selecting QoS parameter conversion information 674 from the QoS parameter conversion information 670 in accordance with the node type information 672 acquired from each node, col. 5 lines 52-55).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Allowable Subject Matter

2. Claims 2-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taguchi et al (Taguchi) (US 6,539,432 B1) in view of Mahon et al (Mahon) (US 2003/0115246 A1).

Regarding claim 1, Taguchi teaches a communication network system for converting action parameters contained in policy information obtained by abstracting network-related user requirements to parameters conforming to network technology and type of network element, and setting these parameters in the network element (e.g., see col. 11 line 13-col. 12 line 47), said system comprising means for converting the network technology dependent parameters to parameters dependent upon a type of network element and setting the converted network-technology dependent parameters in the network element (Taguchi, see e.g., see col. 8 line 42-col. 10 line 33). Taguchi does not explicitly teaches means for converting action parameters contained in the abstracted policy information to network technology dependent parameters. However, Mahon teaches comprising means for converting action parameters contained in the abstracted policy information to network technology dependent parameters (e.g., see page 2 paragraphs 27-29). Therefore, it would have been obvious to a person of

ordinary skill in the art at the time the invention was made to combine the conversion means in the system of Taguchi as taught by Mahon because such conversion means would provide information that managed item can recognize and conform with. This would have improved the flexibility in assignment of policy to the network services being managed (Mahon, see page 1 paragraph 4).

Regarding claim 3, Taguchi teaches policy enforcement means for receiving the network technology dependent parameters from the first conversion means and setting, in a network element, element dependent parameters obtained by converting the network technology dependent parameters (e.g., see col. 12 lines 41-47); and conversion rules storage means for storing conversion rules used when the network technology dependent parameters are converted to element dependent parameters (e.g., see col. 11 lines 44-49); and conversion means for selecting a conversion rule conforming to type of network element and converting the network technology dependent parameters to element dependent parameters using the selected conversion rule (e.g., see col. 5 lines 52-55 and col. 16 lines 26-31).

Regarding claim 7, Taguchi teaches said rule-conversion storage means stores conversion rules on a per-element-type basis (e.g., see fig. 9 col. 8 lines 57-4); and said conversion means selects a conversion rule based on the type of element and converts network technology dependent parameters to element-dependent parameters using the selected conversion rule (e.g., see col. 9 line 5-col. 10 line 33).

Regarding claim 8, Taguchi teaches conversion-rule storage means adds on a conversion rule whenever a function of a network element is added on or changed (e.g.,

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see col. 10 lines 29-33); and said conversion means selects a prescribed conversion rule upon taking the function of a network element or the number of versions of a network element into consideration, and converts the network technology dependent parameters to the element dependent parameters using the selected conversion rule (e.g., see col. 5 lines 42-60).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh L. Duong whose telephone number is (703) 305-0295. The examiner can normally be reached on Monday- Friday, 8:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

O.D
June 11, 2004


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER